

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 18, 2000

D036301 People v. Miguel M., a Juvenile

After true findings of robbery and receiving stolen property Miguel was committed to California Youth Authority. He appealed. The findings of receiving stolen property was reversed; in all other respects the judgment was affirmed. Miguel did not petition for review in the Supreme Court. Miguel's parents now seek to appeal. The only hearings, May 31, 2000 and August 17, 2000, concern notifying California Youth Authority of the reversal in the previous appeal. Since there are no issues to be raised the appeal is dismissed without prejudice as lacking a justiciable controversy.

D032823 Edelstein v. The Ryland Group, Inc. et al.

The order granting a new trial is affirmed; the cross-appeal from the judgment is dismissed. The parties are to bear their own costs on appeal. Kremer, P.J.; We Concur: Work, J., O'Rourke, J.

D035023 People v. Cooke

Judgment affirmed. O'Rourke, J.; We Concur: Work, Acting P.J., Huffman, J.

D036325 People v. Mendoza

As the denial of a petition for writ of habeas corpus is not appealable, the appeal is dismissed.

D034223 Vahid v. Fire Insurance Exchange

The judgment is reversed. Vahid is awarded costs on appeal. Kremer, P.J.; We Concur: Work, J., Benke, J.

D034039 People v. Rodgers

The petition for rehearing is denied.

D034138 People v. Eppert

The judgment is modified to the extent the oral pronouncement of judgment improperly reflects a consecutive eight-month prison term in case No. 132050. The judgment should reflect imposition of a two-year consecutive prison term in case No. 132050. The abstract of judgment already states the proper term. In all other respects, the judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., McDonald, J.

D035716 Jack A. v. San Diego County Superior Court/San Diego County Health and Human Services Agency

The petition is denied. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

D036352 League of Women Voters of San Diego County v. Superior Court of San Diego County/San Diego Taxpayers Association et al.

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 19, 2000

D032549 People v. Smith

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D035430 People v. Castillo

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D033004 People v. Stephens

The convictions on counts two through four are reversed; in all other respects the judgment is affirmed. On remand the trial court shall correct the abstract of judgment in accordance with our disposition. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

D035125 In re Kaytlyn K., a Juvenile

The judgment is affirmed. Benke, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D035370 In re Reina F., a Juvenile

In light of the successful reunification, we dismiss the appeal from the dispositional order as moot. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

D034583 In re Rodolfo G., a Juvenile

The juvenile court's order is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D033213 People v. Crawford

Judgment affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Haller, J.

D033534 Economic research Institute et al., v. Skane et al.

The orders are affirmed. Tanana's appeal of the judgment and order dismissing his action is dismissed. Each party is to bear its own costs on appeal. O'Rourke, J.; We Concur: Work, Acting P.J., Haller, J.

D036279 Baker v. Superior Court of San Diego County/People

The petition is denied. The stay issued September 7, 2000, is vacated.

D033796 The Cadle Company II v. Harvey

The judgment is affirmed. Respondent is entitled to costs on appeal. CERTIFIED FOR PARTIAL PUBLICATION. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

D036143 Watson v. San Diego County Superior Court/People

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 20, 2000

D034352 Oceanside Swap Meet Associates v. The State of California et al.

The judgment is affirmed. The appeal by the State of California and the California Department of Transportation is dismissed. The State of California and the California Department of Transportation shall have costs on appeal. Kremer, P.J.; We Concur: Work, J., O'Rourke, J.

D034259 People v. Robb

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

D034114 Wilson v. Sack

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

D033859 People v. Hallman

The sentence is vacated and the case remanded to the trial court for resentencing in accordance with the views expressed in this opinion. In all other respects, the judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D035379 In re Anthony A., a Juvenile

The judgment is reversed. The matter is remanded to the juvenile court for a new assessment of Anthony's adoptability and a new section 366.26 hearing consistent with the views expressed in this opinion. Huffman Acting P.J.; We Concur: Nares, J., McDonald, J.

D034419 People v. Rodriguez

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., Huffman, J.

D032610 People v. Martinez

D035926 In re Martinez on Habeas Corpus

The pending petition for writ of habeas corpus, In re Steven Charles Martinez, D035926, is consolidated with the pending appeal, People v. Steven Charles Martinez, D032610, for disposition.

D032610 People v. Martinez

D035926 In re Martinez on Habeas Corpus

The convictions on the assault with a deadly weapon or with force likely to produce great bodily injury counts (counts 8 and 9) are reversed and remanded to the trial court for a new trial with these directions: If the People do not bring Martinez to trial within 60 days after filing of the remittitur in the superior court, the court shall dismiss the counts pursuant to section 1382, subdivision (a)(2), and modify the abstract of judgment accordingly. The superior court shall send the modified abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed. The petition for writ of habeas corpus is denied. Haller, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 20, 2000 (Continued)

D036038 Breonna T. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

Let a writ issue directing the superior court to vacate its order granting the modification petition that placed Breonna in Jonet's physical custody, and enter a new order denying the modification petition, leaving Breonna's placement in licensed foster care. This opinion is final immediately as to this court. (Cal. Rules of Court, rule 24(d)). O'Rourke, J.; We Concur: Work, Acting P.J., McDonald, J.

D035067 People v. Shell

Judgment affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

D034502 People v. Blake V., a Juvenile

The juvenile court's judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D034397 Kipp v. Wells et al.

The judgment is affirmed. Wells is to recover costs on appeal. Nares, J.; We Concur: Kremer, P.J., McIntyre, J.

D035547 In re Rachell C., a Juvenile

As to Jessica, Joseph and Autumn, the orders granting primary physical custody to Michelle are affirmed. As to Rachell, the appeal from the order granting sole legal and physical custody to Michelle is dismissed. Work, Acting P.J.; We Concur: Benke, J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 21, 2000

D031255 Penn v. Prestige Stations, Inc., et al.

The petition for rehearing is denied.

D034287 Kirkorowicz et al. v. California Coastal Commission

The opinion filed August 22, 2000, is ordered certified for publication.

D033650 People v. Lopez

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D036156 Samouna v. San Diego County Superior Court/People

The petition is denied.

D036155 Abbod v. San Diego County Superior Court/People

The petition is denied.

D034603 Hendrix v. City San Diego/Vargas

The judgment of dismissal is affirmed. Respondents shall recover costs on appeal. Nares, J.; We Concur: Kremer, P.J., McIntyre, J.

D031258 Osborn et al. v. City of Imperial Beach

The judgment is reversed insofar as it grants City's demurrer to the administrative mandamus claim without leave to amend; the judgment is affirmed in all other respects. The parties are to bear their own costs on appeal. O'Rourke, J.; We Concur: Work, Acting P.J., Haller, J.

D033255 People v. Dulaney et al.

The judgments are affirmed. Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

D033566 People v. Arnold

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D033655 Johnson et al. v. The City of San Diego

The judgment is affirmed. Respondent shall recover its costs on appeal. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

D034885 People v. Minor

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Work, J.

D035306 Angeles Beautycare Group, Inc. v. Lee et al.

The order is affirmed. Work, Acting P.J.; We Concur: Benke, J., McIntyre, J.

D035966 In re Payne on Habeas Corpus

The petition is denied.

D036357 Monaco Coach Corporation v. Superior Court of San Diego County/Hurley

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 22, 2000

D036115 People v. Carrie

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

D034482 In re the Marriage of Gerbatsch

The order is affirmed. Kremer, P.J.; We Concur: Work, J., O'Rourke, J.

D034679 Tri-County Construction, Inc. v. Narven Enterprises, Inc.

The judgment is affirmed. Narven is awarded costs on appeal. Huffman, J.; We Concur: Haller, J., McIntyre, J.

D035190 In re Sergio S., a Juvenile

Judgment affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Haller, J.

D034748 People v. Harris

The petition for rehearing is denied.

D036347 Giromex S.A. de C. V. v. Superior Court of San Diego County/Sanchez

The petition is denied.

D035487 William E. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

Petition dismissed. O'Rourke, J.; We Concur: Benke, Acting P.J., Huffman, J.

D032925 People v. Gilpen

The opinion filed August 30, 2000 is modified [No change in judgment]. The petition for rehearing is denied on the merits. As to the tenor of the petition, the court refers counsel for appellant to Business and Professions Code section 6068, subdivision (b).

D033521 Bite, Inc. v. First National Bank

The judgment is affirmed. Bank is awarded costs on appeal. Nares, J.; We Concur: Kremer, P.J., McDonald, J.